IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

W.P(C).No. 34688 of 2007(D)

PETITIONER:

M.VIJAYAKUMARI
W/O.SUDEVAN, AGED 42 YEARS
T-13,PWD QUARTERS,VADAKKANTHARA, PALAKKAD.

BY ADV. SRI.G.HARIHARAN
SRI.A.SHAJEEL

RESPONDENTS:
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1. **VILLAGE OFFICER**
   PALAKKAD III VILLAGE,
   PALAKKAD.

2. **TAHSILDAR,**
   PALAKKAD TALUK,
   PALAKKAD.

BY GOVT. PLEADER, SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 34688 OF 2007 D

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Dated this the 10th December, 2007

J U D G M E N T

Ext. P4 order is under challenge.

2. Petitioner who claimed ownership over the properties has remitted tax and the same was accepted. She was also issued possession certificate on he basis of which she had availed of certain financial assistance from Bank as well. It is thereafter that Ext. P4 has been issued cancelling not only the tax receipt but also even the possession certificate.

3. The aforesaid order is under challenge mainly on the ground that this was passed without issuing even a notice calling upon her to show cause why this shall not be done. I see force in the submission of the counsel for the petitioner that principles of natural justice have been violated while issuing Ext. P4. Certainly, Ext. P4 has civil consequences as far as the petitioner is concerned. If that be so, the order could not have been passed except with notice to her. For this reason, I am inclined to set aside Ext. P4 and

direct that the 1st respondent shall issue notice to the petitioner stating the reasons for cancellation and giving her an opportunity of being heard in the matter. Once that procedural requirement is complied with it will be open to the 1st respondent to pass final orders in the matter. Until orders are passed as above, status quo as on today will be maintained by the parties.

4. Revised orders shall be passed by the respondents within six weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-